

June 7, 1955.

Mr. George M. Biggs
Dragerton, Utah.

RE: Price River Distribution

Dear Sir:

In answer to your letter of June 3, 1955 in which you complain that the Water Commissioner has not been up to the Grassy Trail Reservoir to find out how much water was in storage, this is to report that Mr. Thomas has apparently made trips up there - the last having been reported as of May 9, 1955. The Grassy Trail Reservoir people have the first five second-feet of water under the old Whitmore Right. We have evidence that weekly, or oftener, measurements have been made of the amount of water going into storage beginning the first of September 1954 and the last report covering May 2, 1955. During this period, at no time has more than five second-feet of water gone into the reservoir. On May 9, 1955 Mr. Thomas reported that there was nine second-feet of water being stored but indicated that there had been a maximum storage at the rate of 12 second-feet.

The Grassy Trail Reservoir in addition to the Whitmore right has purchased other rights of approximately equal priority with your right and have filed applications and change applications covering the storage.

As long as the Grassy Trail Reservoir does not store in excess of their rights, which have a priority equal to or earlier than yours, there is nothing the Water Commissioner can do as to releasing water from the reservoir. This has been a low water year and while I realize that the storing of the water does not contribute to the downstream make of the Grassy Trail Creek, which you formerly enjoyed, it is questionable whether I have the authority to enter into this dispute. It is primarily a legal question and as a result you should seek legal advice.

Very truly yours,

Joseph M. Tracy
STATE ENGINEER.

CC: Mr. Harvey Thomas,
Water Commissioner.

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